

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4054 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PIYUSHKUMAR M DAVE

Versus

STATE OF GUJARAT

Appearance:

MR GR UDHWANI for Petitioner
MR HL JANI for Respondent No. 1, 2 & 3
MRS KETTY A MEHTA for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/12/96

ORAL JUDGMENT

Heard learned counsel for the parties

2. Ms.Ketty Mehta, learned counsel for respondent No.4 contended that this Special Civil Application was ordered to be heard with Special Civil Application No.1024 of 1979 and allied matters. The Special Civil Application No.1024 of 1979 has already been decided on

10th September 1992 and that decision of this Court given therein is reported in 1992(2) GLR 1508. It has further been contended by the learned counsel for respondent No.4 that the judgment of this Court in the aforesaid case has also been confirmed by Supreme Court as Special Leave Application filed against the same has been dismissed.

3. The learned counsel for the petitioner is unable to controvert this submission made by the learned counsel for respondent No.4.

4. I have gone through the contents of this Special Civil Application and the aforesaid judgment and I am satisfied that the point in issue in this case was identical to the point in issue in the decision aforesaid. In view of this fact, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, granted by this Court, stands vacated. However, on request of learned counsel for the petitioner, 15 days' time is granted to the petitioner to vacate the tenement.

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(sunil)